IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

MONDAY, THE 22ND JANUARY 2007 / 2ND MAGHA 1928

WP(C).No. 1859 of 2007(U)

PETITIONER:

K.VISHNU NAMBOODIRI,
KOOTAMPILLY MANA, OORAKA, THRISSUR DISRICT.

BY ADV. SRI.P.RAVINDRAN
SRI.HARIKRISHNAN RAVINDRAN

RESPONDENTS:

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1. THE COCHIN DEVASOM BOARD,
REPRESENTED BY ITS SECRETARY, THRISSUR.

2. SPECIAL COMMISSIONER,
COCHIN DEVASWOM BOARD, THRISSUR.

3. P.DAMODARAN NAMBOODIRI,
S/O.PARAMESWARAN NAMBOODIRI,
PUNNACKAL ILLAM, ETTUMANNUR, KOTTAYAM.

BY SC SRI.M.RAMESH CHANDER R1&R2

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J

W.P.(C)NO.1859 of 2007

Dated this the 22nd day of January, 2007

JUDGMENT

Heard both sides.

2. The petitioner is now working as Melsanthi at the Valanjambalam temple, Ernakulam. He was transferred from Ernakulam Siva temple before he could complete the minimum tenure prescribed by the respondent Board. Respondent No.3 was posted in the place of the petitioner and he is continuing as Melsanthi in the Siva temple. The petitioner made a request to post him back to Siva temple so that he will be in a position to complete the balance period in Siva temple. The representation filed by the petitioner was directed to be considered by the first respondent. Consequently, Ext.P6 order has been passed informing the petitioner that his request cannot be favourably considered. Ext.P6 is, therefore, under challenge.

2. The respondents have examined the claim made by the petitioner in the light of the guidelines issued in the matter of transfers and postings and also taking into consideration the exigencies of service. I find no error apparent on the face of the record. Guidelines do not compel the respondents to permit every employee to complete

the minimum service tenure in one post in the same station irrespective of intervening circumstances and bonafide reasons. It does not provide for any re-transfer of an employee to enable him to complete the balance period in cases where the employees had to be transferred from one station to another before completing such period. More over, the order says that in the prevailing facts and circumstances, the first respondent thinks it feasible to permit the third respondent to work in Siva Temple for some more time.

3. I think, in the light of the reasons stated in Ext.P6, it may not be proper for this Court to invoke the extraordinary jurisdiction under Article 226 of the Constitution of India to find fault with Ext.P6 order. Accordingly, the writ petition is dismissed.

K.K.DENESAN, JUDGE

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